

Express Mail No. EV 453253064 US

REMARKS

Claims 1-6 are currently pending and under consideration. Claims 7 and 8 were cancelled by this Amendment C; in canceling this subject matter from this application, applicants expressly reserve the right to pursue the remaining subject matter through one or more continuation applications.

Reconsideration is respectfully requested of the rejection of claims 1-8 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As requested, the term "about" has been cancelled from claim 1. In addition, claim 1 has been amended to recite a polycyclic taxane derivative, thereby eliminating the possibility of 6-membered monocyclics. Thus, contrary to the Office's assertions, the claims do recite a defined chemical structure. The test for indefiniteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1576 (Fed. Cir. 1986). Claim 1 defines a metal alkoxide having a polycyclic carbocyclic or heterocyclic taxane derivative containing up to 20 atoms. The only available heteroatom is oxygen. A person skilled in the art could certainly recognize whether or not a given compound falls within these claim parameters. Consequently, claim 1 satisfies 35 U.S.C. 112, second paragraph.

FSUB 10479.2  
PATENT

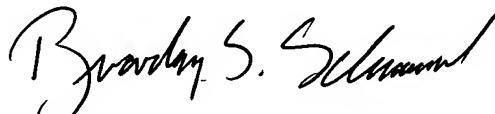
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CONCLUSION

Applicant submits that the present application is now in a condition for allowance and requests allowance of the pending claims.

The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of government fees to Deposit Account No. 19-1345.

Respectfully submitted,



Bradley S. Schammel, Reg. No. 54,667  
SENNIGER, POWERS, LEAVITT & ROEDEL  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

BSS/vlm